

Westlaw.

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Circuit Court of Michigan.

REED AVRAM v. MCMASTER-CARR SUPPLY COMPANY

07-714597-NP

DATE OF VERDICT/SETTLEMENT: October 8, 2009

TOPIC: PRODUCTS LIABILITY PRODUCTS LIABILITY - ASBESTOS EXPOSURE - MANUFACTURER - TOXIC EXPOSURE

SUMMARY:

Result: Verdict: \$540,000 with allocation of fault at 50% as to defendant and 50% as to non-party defendants, for a net verdict of \$270,000. Breakdown: \$60,000 for past non-compensatory damages; \$300,00 for future pain and suffering and \$60,000/year for three years of lost wages.

ATTORNEY:

Plaintiff's: Margaret Holman-Jensen, Southfield Alice A. Buffington, Southfield

Defendant's: Withheld

JUDGE: Robert J. Colombo, Jr.

RANGE AMOUNT: \$500,000-999,999

STATE: Michigan

COUNTY: Wayne

ALLEGED INJURY: Asbestosis from exposure to asbestos tape and asbestos blankets sold by defendant. Plaintiff claimed an inability to engage in physical activities. His affliction made working more difficult.

SUMMARY:

Plaintiff Information:

Age: 71

Sex: M

Occupation: Pipefitter

FACTS:

Exposure to asbestos while working for Ford Motor Company allegedly caused and/or contributed to plaintiff's diagnosis of asbestosis. Defendant maintained there was no evidence that exposure during plaintiff's tenure at Ford caused his problems. The jury awarded plaintiff \$540,000, finding that defendant was 50% at fault, and the other 50% was assigned to non-party defendants.

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Plaintiff Reed Avram worked for Ford Motor Company from 1964 to 1972, during which time he handled asbestos products manufactured by Defendant McMaster-Carr Supply Company. Defendant sold asbestos tape and asbestos blankets during that time period. Plaintiff claimed that, as a consequence of his exposure during his work at Ford, he now suffers from asbestosis. Plaintiff acknowledged that he had some asbestos exposure while serving in the Navy prior to working at Ford and some afterward while working for General Motors as a pipe fitter.

Plaintiff alleged his exposure during his years at Ford caused and/or contributed to his disease and that defendant, at least in part, was responsible for his condition. Plaintiff presented expert testimony which confirmed his condition and that it resulted from exposure to asbestos. Testimony was also given by two of plaintiff's former supervisors at Ford who remembered watching plaintiff work near asbestos-containing materials and they stated that significant shipments of asbestos materials from defendant arrived during plaintiff's tenure.

Defendant contended there was no evidence that exposure to their products during plaintiff's employment caused plaintiff's asbestosis and that he could have been exposed through 100 other non-party defendants.

JAS Publications, Inc.

Circuit Court

PUBLISHED IN: Vol. 22, No. 11

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